

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC S. KIRSCHNER, As Trustee of the
Refco Private Actions Trust,

Plaintiff,

-against-

PHILLIP R. BENNETT, SANTO C.
MAGGIO, ROBERT C. TROSTEN, MAYER
BROWN, LLP, MAYER BROWN
INTERNATIONAL, LLP, and GRANT
THORNTON LLP,

Defendants.

07 MDL 1902 (JSR)

07 Civ. 8165 (JSR)

NOTICE OF APPEAL

Notice is hereby given that Marc S. Kirschner, as Trustee of the Refco Private Actions Trust, plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Second Circuit from the final judgment filed in this action on October 24, 2012 (Ex. A).

Dated: October 26, 2012

/s/ Richard I. Werder, Jr.

Richard I. Werder, Jr. (rickwerder@quinnemanuel.com)

Sascha N. Rand (sascharand@quinnemanuel.com)

QUINN EMANUEL URQUHART & SULLIVAN, LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010

(212) 849-7000

Attorneys for Plaintiff Marc S. Kirschner, as Trustee of the Refco Private Actions Trust